



Docket No. 1670.1017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jung Ku LIM et al.

Serial No. 10/663,762

Group Art Unit: 2879

Confirmation No. 3834

Filed: September 17, 2003

Examiner: Christopher M. Raabe

For: ORGANIC ELECTROLUMINESCENT DEVICE USING OPTICAL RESONANCE
EFFECT

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.104(e) and MPEP 1302.14, the applicants hereby provide the following comments on the Examiner's Statement of Reasons for Allowance included in the Notice of Allowability attached to the Notice of Allowance of April 7, 2006.

MPEP 1302.14 states as follows in pertinent part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible effects.

The Examiner states as follows in the Examiner's Statement of Reasons for Allowance:

While the prior art does disclose an OLED having a transparent substrate, a semi-transparent layer, a first anode layer formed as a predetermined pattern, a metallic cathode layer, and an organic light emitting layer, the prior art does not disclose the optical distance between a top surface of the semi-transparent layer and a bottom of the cathode layer to be exactly a least (common)

integer multiple of half the peak wavelengths of a predetermined set of colors. Hence, claim 1 is allowed. Claims 2-24 are allowed as a result of their dependence upon claim 1.

However, allowed claim 1 does not contain the exact language referred to by the Examiner. Rather, allowed claim 1 reads as follows:

1. An organic electroluminescent device comprising:
a transparent substrate;
a semi-transparent layer formed on the transparent substrate;
a first anode layer formed on the semi-transparent layer as a predetermined pattern;
a cathode layer formed of a metallic total reflection layer on the first anode layer; and
an organic layer formed between the first anode layer and the cathode layer, which includes at least an emitting layer,
wherein an optical distance between a top surface of the semi-transparent layer and a bottom of the cathode layer is determined to be a least integer multiple of half the peak wavelengths of light of a predetermined set of colors.

Furthermore, contrary to the Examiner's assertion that "the prior art does disclose an OLED having . . . a first anode layer formed as a predetermined pattern," it is submitted that the prior art does relied on by the Examiner does not in fact disclose or suggest "a first anode layer formed on the semi-transparent layer as a predetermined pattern" as recited in claim 1 for the reasons set forth on pages 9-10 of the amendment of January 19, 2006, to which the Notice of Allowability is responsive. The Examiner did not provide any explanation of why these arguments are not persuasive or otherwise respond to these arguments in the Notice of Allowability.

Furthermore, claim 1 does not recite that "the optical distance between a top surface of the semi-transparent layer and a bottom of the cathode layer [is] exactly a least (common) integer multiple of half the peak wavelengths of a predetermined set of colors" as implied by the Examiner's comments. Rather, claim 1 recites that "an optical distance between a top surface of the semi-transparent layer and a bottom of the cathode layer is determined to be a least integer multiple of half the peak wavelengths of light of a predetermined set of colors," and it is submitted that the prior art relied on by the Examiner does not disclose or suggest this feature of claim 1 for the reasons set forth on pages 10-11 of the amendment of January 19, 2006, to

which the Notice of Allowability is responsive. It appears that the Examiner was convinced by these arguments in light of his comments with respect to claim 1 in the Examiner's Statement of Reasons for Allowance.

With respect to the Examiner's statement that "[c]laims 2-24 are allowed as a result of their dependence upon claim 1," it is submitted that claims 14, 16, and 18-24 are also separately allowable over the prior art relied on by the Examiner for the reasons set forth on pages 14-26 of the amendment of January 19, 2006, to which the Notice of Allowability is responsive. The Examiner did not provide an explanation of why these arguments are not persuasive or otherwise respond to these arguments in the Notice of Allowability.

The foregoing is merely meant to be exemplary, and is not to be construed as pointing out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the allowed claims.


It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of the same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement of Reasons for Allowance is not accurate and precise, and might be construed as placing unwarranted interpretations upon the claims, and is therefore improper pursuant to MPEP 1302.14.

Respectfully submitted,

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Date: 07/07/06

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